

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7137

BILL NUMBER: SB 458

NOTE PREPARED: Feb 20, 2007

BILL AMENDED: Feb 20, 2007

SUBJECT: Environmental Civil Penalties.

FIRST AUTHOR: Sen. Dillon

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows the Department of Environmental Management (IDEM) to waive civil penalties imposed for certain minor violations on a state agency or political subdivision. It prohibits waiver with respect to an intentional, willful, or criminal act, omission, or failure only with respect to a partner, officer, or director of a business, state agency, or political subdivision acting within the scope of the person's employment or office.

Effective Date: July 1, 2007.

Explanation of State Expenditures: See *Explanation of State Revenues*.

Explanation of State Revenues: (Revised) The bill could reduce revenue generated from civil penalties by an indeterminable amount. Civil penalties are deposited in the state General Fund.

Background: IC 13-30-4-1 provides that violators of any provision of environmental management laws, orders, determinations, or permits are liable for a civil penalty not to exceed \$25,000 per day of any violation. IDEM may recover the civil penalty in a civil action commenced in any court with jurisdiction. IDEM may not waive any part of a civil penalty if the violation endangers or causes damage to public health or the environment; is intentional, willful, or criminal; or (3) is of a requirement for which the IDEM has previously issued a notice or warning of violation; or is not corrected within 90 days.

Explanation of Local Expenditures: See *Explanation of State Revenues*.

Explanation of Local Revenues:

State Agencies Affected: All.

Local Agencies Affected: All.

Information Sources:

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